# CONTINUUM

OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY ALUMNI MAGAZINE WINTER 2005



The Joint JD-LLB Program: Law Without Borders

A Fascination with Corporate Governance, Page 7 • The Way Things Were, Page 12 Moot Court Renovation, Page 16 • In the Footsteps of Raoul Wallenberg, Page 18







#### CONTINUUM

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DIRECTOR, OFFICE OF ADVANCEMENT Anita Herrmann

**EDITOR** 

Virginia Corner 416-736-5820 vcorner@osgoode.yorku.ca

MANAGING EDITOR Gillian McCullough

CONTRIBUTORS
Clay Browne
Bev Cline
Virginia Corner
Anita Herrmann
Michelle Mann
Gillian McCullough
Dean Patrick Monahan (LLB '80)
Professor Poonam Puri
Christine Ward

DESIGN AND PRODUCTION Wright Ideas Inc. RJM Print Group

PHOTOGRAPHY Babak Kevin Kelly Cliff Spicer Frank Tancredi Andrew Tomkins

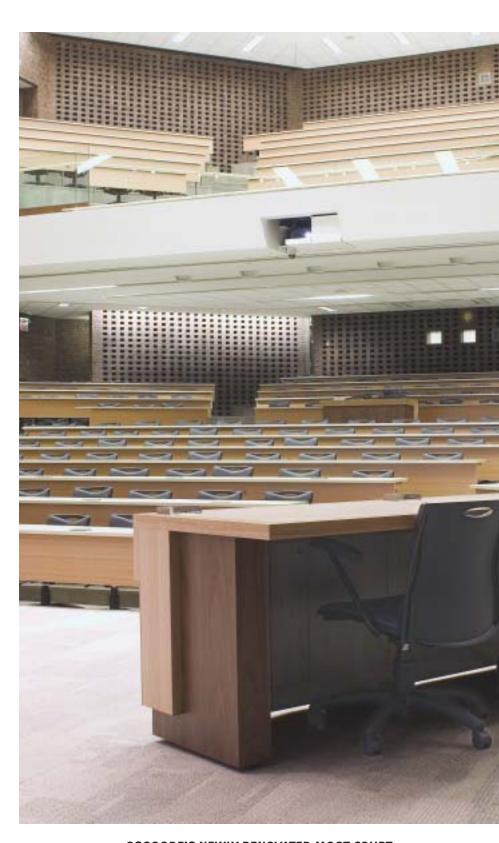
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We invite your letters and comments, and hope that you will keep us posted on where you are and what you are doing. Please use the enclosed reply card or send correspondence to:

#### **CONTINUUM**

Advancement Office
Osgoode Hall Law School
York University
4700 Keele Street
Toronto, ON M3J 1P3
Telephone: 416-736-5638
Fax: 416-736-5629
E-mail: alumni@osgoode.yorku.ca
Osgoode Web Site: www.osgoodealumni.ca

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Continuum 2005



Patrick Monahan (LLB '80) Dean

#### **Becoming a Global Law School**

The Asian tsunami disaster that occurred at the end of last year was felt around the globe as the horror of the tragedy played out day after day on our television and computer screens. The outpouring of grief and generosity that followed on the heels of this devastating event confirmed for me personally that we are all connected and that our world of six billion people is really not so big.

We at Osgoode have been acutely aware of the ever-shrinking global village for some years now and have been taking steps to deepen our international connections. This magazine is filled with stories about the Law School's international activities including a profile of Peer Zumbansen, our newly recruited Canada Research Chair in the Transnational and Comparative Law of Corporate Governance, the Raoul Wallenberg Day International Human Rights Symposium which took place at Osgoode in mid-January, and establishment of the Osler Chair in Business Law, which will involve an international faculty search.

The announcement of our new joint JD-LLB Program with New York University School of Law, which is the subject of our cover story, is another excellent example of how Osgoode is taking steps to train tomorrow's lawyers to work in a global environment.

The world of law itself is changing. Increasingly, lawyers in private practice are called upon to deal with their counterparts in a number of different jurisdictions. Business is global and therefore the law to service their clients has to be global. We need to train lawyers who have that broader outlook.

Our partnership with NYU is one of many partnerships with world-class law schools in Europe, the United Kingdom, Australia and Latin America that we are pursuing. By thinking strategically and acting globally, we will continue to attract the finest scholars and teachers, and the best and brightest students.

We want to be at the cutting edge of the trend in both the practice of law and in legal education toward a much more global perspective. To put it simply, we want to lead rather than follow. \*

#### HAIL TO "HUTCH" by Bev Cline



On November 20, 2004, Osgoode Hall Law School **Professor Allan Hutchinson** was inducted into the Royal Society of Canada, recognized for his continuous contribution to the world of scholarship.

This latest honour is one in a long list of accomplishments for Professor Hutchinson. A member of Osgoode's faculty since 1982, he was appointed last year to the position of Associate Dean (Research, Graduate Studies and External Relations).

"I consider it a great privilege to be part of the Royal Society, to join a group of people who clearly

have made a significant contribution to the world of academic scholarship," he says succinctly.

Professor Hutchinson hails from England, and earned his law degree at London University and an LLM and LLD from Manchester University. He adds with his customary humour: "Royalty is not my strong suit; but I will accept the honour."

This recognition follows closely on the heels of another award. Professor Hutchinson was chosen by Osgoode students last year as a winner of the inaugural Osgoode Hall Law School Teaching Award for a professor with more than 10 years' experience.

"I suppose enthusiasm counts for something. It's reassuring to know that challenging and provoking students can be appreciated by them," he says in describing his teaching methods. "That's how I teach; I unsettle students to make them question their own assumptions and commitments."

The year 2004 was a busy one for Professor Hutchinson whose *Evolution and the Common Law* (the book challenges the claims of evolution in the law) will be published this winter by Cambridge University Press, New York. He is also hard at work on a new book, *The Companies We Keep*, which focuses on corporate governance and democracy, due to be completed this spring.

#### 2004 Dean's Gold Key Awards

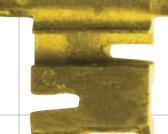
At the third-year LLB students' lunch in March 2004, Dean Patrick Monahan reinstituted the practice of presenting Dean's Gold Key Awards to up to 10 members of the graduating class in recognition of exceptional leadership, commitment and enthusiasm through their participation in various activities of the Law School and the University. Recipients of the 2004 Dean's Gold Key Awards are

Andy Astritis, Brooke Harley, Fiona Hickman, Alexis Levine, John McKercher, Melisa Montemurro, Denise Robertson, Althea Roman, Merel Veldhuis and Ngai-On Young. Osgoode also presents Gold Key Awards to alumni. Please see page 22 for more information on those awards.

#### New Osgoode PDP Director

Victoria Watkins has been appointed Director of the Osgoode Professional Development Program (PDP). She will be responsible for the strategic and academic direction and planning at PDP. Watkins holds a BSc in Psychology and an LLB from the University of Toronto and has been executive director of a private Continuing Legal Education (CLE) provider in both Toronto and New York.







#### New Awards Recognize Outstanding Staff

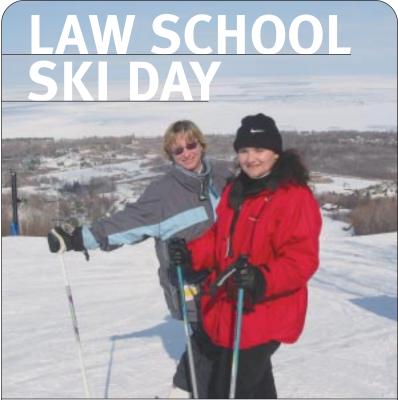
Two outstanding long-time employees of Osgoode Hall Law School were presented with staff recognition awards in December at Dean Patrick Monahan's holiday luncheon for faculty and staff. It was the first year of the awards and they will be presented annually to deserving staff members.

**Maureen Boyce** in the Law Library received the *Wendy Rambo Outstanding Service Award*, named after a highly dedicated administrative assistant who worked in the Dean's Office from 1984 until her untimely passing in 1998.

Nancy Sperling, who is the Examinations and Records Coordinator in the Office of Student Services, was given the Louella Sturdy Leadership Award. Sturdy, who joined the Law School in 1948 as general secretary to the full-time faculty then served as registrar from 1957 until her retirement in 1991, was on hand for the presentation.

Monahan noted that Boyce joined the Law Library in March 1968 when it was housed in a warehouse on Finch Avenue awaiting the move the next year to the current Law School building. Boyce, who has been Inter-library Loan Coordinator since 1996, cheerfully and efficiently obtains more than 700 books and photocopies a year for Osgoode faculty, grad students, research assistants and LLB students.

Sperling has been with the Law School for 21 years, and was described by Monahan as "a font of information, wise advice and good will."



Join Dean Patrick Monahan, alumni, students, faculty and friends of Osgoode for a day of skiing on the slopes of Osler Bluff Ski Club. All are welcome.

#### Friday, March 11, 2005 Osler Bluff Ski Club, Collingwood, Ontario Cost: \$70

Includes: lift ticket, beginner ski lessons, lunch, fun race, prizes

To RSVP or for more information: Call: 416-736-5638
E-mail: alumni@osgoode.yorku.ca Website: www.osgoodealumni.ca

### Notice of the Annual General Meeting of the Osgoode Hall Law School Alumni Association

The fifth Annual General Meeting of the Osgoode Hall Law School Alumni Association will be held on May 17, 2005 at the Museum Room, Osgoode Hall, 130 Queen Street West, Toronto, ON at 5:00 p.m.

Copies of the agenda will be available in advance through the Advancement Office (416) 736-5638 or alumni@osgoode.yorku.ca.

All alumni are welcome. Positive RSVPs appreciated.

## High Achievers

Third-year Osgoode student **Ryan Teschner** (LLB '05) is one of the
youngest members of Toronto Mayor
David Miller's community safety advisory committee, which includes
Ontario Chief Justice Roy McMurtry
(LLB '58), Ontario Attorney General
Michael Bryant (LLB '92) and federal
cabinet minister Jean Augustine.
Teschner, 24, is an ardent advocate for more recreational and job opportunities for youth from disadvantaged areas of the city.

One of Osgoode's most talented environmental law students, **Michelle Campbell** (LLB '05) has been awarded the *Sir John A. Mactaggart Essay Prize* in Environmental Law – the only environmental law prize of its kind in Canada.

The third-year student's essay, which was one of 17 submissions from law students across the country, provided an overview of the law of public interest intervention in Canadian courts, with a special emphasis on intervention in environmental law cases. The Mactaggart Essay Prize is sponsored by the Mactaggart Third Fund, the Friends of the Environmental Law Centre in Edmonton, Alberta, and Carswell.

**Christopher Hickey** (LLB '05) has been awarded the Canadian Bar Insurance Association's 2004 *Tom Wilcox Scholarship* in the amount of \$2,500.
The St. John's,
Newfoundland native was
one of three third-year students selected from law schools across Canada to
receive the award, which requires that
a student be enrolled in or have successfully completed an insurance law
related course. Hickey was also a member of the Osgoode student team that
won the Willem C. Vis International
Commercial Arbitration Moot in Vienna,

#### **Study of Accessibility to Ontario Law Schools**

An independent study of the impact of tuition increases on Ontario law students, commissioned by the deans of five of Ontario's six law schools and funded by the Law Society of Upper Canada and The Law Foundation of Ontario, reported its findings in November 2004.

Below are abbreviated highlights of the Study of Accessibility to Ontario Law Schools commissioned by the law deans of Osgoode Hall Law School, the University of Ottawa, Queen's University, the University of Western Ontario and the University of Windsor. The full report is available from the Media Releases Archive on the Osgoode home page at www.osgoode.yorku.ca

 Law students at the five Ontario law schools closely resemble their age cohort in the Ontario population in terms of main language spoken and visible minority representation.

- Overall, there has been little change in the demographic characteristics of Ontario law students since 1997.
- Fifty per cent of students entering law school have zero debt, and at graduation 20 per cent of law graduates have zero debt. Sixty per cent of law graduates complete law school with a cumulative debt from university studies of under \$40,000. However, 27 per cent expect to have accumulated debt of \$40,000 to \$70,000 over the course of their entire university career, and 13 per cent expect to graduate with more than \$70,000 of student debt incurred while in university.
- In part because universities are required by law to direct 30 per cent of deregulated tuition toward needsbased financial assistance, there has

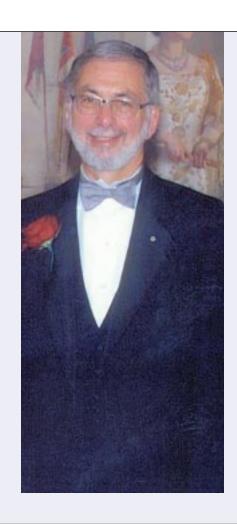
been a dramatic increase in the total amount of bursary money awarded to students in financial need since tuition deregulation.

Austria in April 2004.

- Although many students report
   that their articling decisions have
   been affected by their debt, their
   patterns of choice have not
   changed significantly over the
   period since tuition has increased,
   with the vast majority of students
   expecting to article in their "preferred" settings.
- Upper-year students in the moderate to high-debt categories most often reported that particular aspects of their academic or personal lives, such as their law school experience and personal relationships, were adversely affected to a great extent by their debt.

#### Lexpert Top 40 under 40

Six Osgoode alumni have made Lexpert magazine's 2004 list of the top 40 lawyers across Canada (aged 40 and under). The Osgoode alumni are: Andrew Brodkin (LLB '93), partner at Goodmans in Toronto; Jonathan Lisus (LLB '90), partner at McCarthy Tétrault in Toronto; Kelly Gill (LLB '91), partner at Gowling Lafleur Henderson in Toronto; Dee Raipal (LLB '90, partner at Stikeman Elliott in Toronto; Scott **Hyman** (LLB '91), partner at Davies Ward Phillips & Vineberg in Toronto; and Maureen Ryan (LLB '89), partner at Stewart McKelvey Stirling Scales in St. John's.



#### Professor Harry Arthurs to Lead Review of Federal Labour Standards

The Honourable Joe Fontana, Minister of Labour and Housing, announced in December that Osgoode Professor Harry Arthurs has been chosen as Commissioner to lead the Review of Federal Labour Standards (Part III, Canada Labour Code). In announcing this prestigious appointment, the Minister noted that Arthurs is a world-renowned labour law expert who is respected by both business and labour organizations, and a member of the Order of Canada and the Order of Ontario. The Arthurs Commission will be the first major review of federal employment and labour standards in four decades. Arthurs and his team will look at everything from minimum wages and hours of work to procedures for dealing with unjust dismissals.

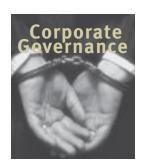


#### Dean for a Day

Osgoode Dean **Patrick Monahan**, centre left, is sartorially trumped by students, from left, **Peter Kolla, Amer Mushtaq** (Osgoode's "Dean for a Day") and **Jason MacIntosh**. Mushtaq stepped into Monahan's shoes on September 30 as winner of the Law School's Dean for a Day contest. Monahan reinstituted an old tradition when he brought back Dean for a Day, which is designed to solicit ideas and feedback from students on how they would run the Law School. Each contestant submitted a 500-word essay outlining what they would do as Dean. As author of the winning essay, Mushtaq made himself comfortable in the Dean's office and Monahan attended classes. Check out his cool T-shirt and jeans.

# A fascination with Corporate Governance

Osgoode Professors Peer Zumbansen and Poonam Puri together with Warren Grover, Q.C., Falconbridge Professor of Commercial Law at Osgoode, have their say about one of the hottest topics of the day.



#### Osgoode's Newest Scholar Examines . . .

## HOW THE LAW SHA

by Christine Ward



Photography by Frank Tancredi

eer Zumbansen, Osgoode's newly recruited Canada Research Chair in the Transnational and Comparative Law of Corporate Governance, is patiently explaining the significance of his research when he stops mid-sentence.

"Have you seen The Corporation?" he asks.

Most have at least heard of the award-winning Canadian documentary that paints big business as some kind of Jaws, charging toward its economic goals without the slightest regard for little things like the law, environment or human rights.

"The popular concern is that large corporations escape regulatory power, that they are somehow not accountable for their actions," explains Zumbansen. "The study of corporate governance allows us to better understand the ways in which law can shape the process."

Zumbansen has spent the past few years exploring the role of lawmaking in the rise of private business. As large corporations have assumed an increasingly important role in the public realm and within globally integrated markets (a fact that hasn't gone unnoticed by Canada's filmmakers), his work has also taken on new significance.

"The way firms function in world markets is completely new. The question now arises as to which laws – from a complex mixture of national and transnational laws and treaties, to private best practice – they must follow, and how those laws can influence corporate

## PES GLOBAL fiRMS

behavior. Just as the recent Supreme Court of Canada Peoples v. Wise decision of October 29, 2004 again calls to our attention, we need to reflect on the greater societal role that corporations play."

A graduate of the University of Frankfurt (LLB, PhD, Habilitation) and Harvard Law School (LLM) and cofounder and co-editor-in-chief of the German Law Journal, the premier resource on German jurisprudence in the English language, Zumbansen comes with an international reputation for the study of corporate governance as it relates to private law theory, jurisprudence and political science. He joined Osgoode in July after completing a term as Visiting Professor last winter during which he taught Globalization and the Law.

"I greatly anticipated coming here," says Zumbansen of his Osgoode appointment.

"As my work has grown internationally, I consider myself fortunate to join an institution that invites cross-border collaboration and includes colleagues with a similar take on issues." In Germany, Zumbansen would be challenged by large class sizes, a heavy teaching load and limited resources, all of which he says compromises research progress.

As the holder of a prestigious Canada Research Chair – Osgoode's first – Zumbansen benefits from a reduced teaching load and full research mandate supported by the federal government.

"It's a wonderful and unique program, the best a scholar can hope for," he exclaims.

And he's not wasting a second of it.

Since arriving on campus, Zumbansen has already set to work creating an international research network – the Comparative Research in Law and Political Economy (CRLP) – that brings together scholars in law, economics, political science, sociology and history exploring not only the role of business in society but, from an interdisciplinary perspective, the potential of law to formulate answers to the regulatory challenges of a globalized world.

He credits the support of his Osgoode faculty and student colleagues with many of his early achievements.

"It's so easy to converse with people on different subjects – even in the hall-way or over lunch. I especially love the contact with students. Here, the biggest class is 100, not the 300 we manage in Germany. My door is always open, students walk in and we talk. I really like that."

The transition has been equally positive for Zumbansen's wife, Angelika Betzold, a doctoral researcher in theatre, and the couple's two young sons.

"Toronto is definitely a place where our family is constantly exposed to a wonderful diversity of nationalities and culture," says Osgoode's newest faculty member.

"Yes, we're already very much at home here." \*

#### **Reaching for the Top**

It's not just Osgoode that is poised to benefit from its newest scholar Peer Zumbansen's exceptional research. Zumbansen's recruitment is part of a national strategy to make Canada one of the world's top five countries for research and development.

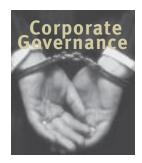
The corporate governance scholar is a Canada Research Chair, one of 1,348 renowned scholars currently funded by the federal government at 73 universities across the country. The Canada Research Chairs Program was established in 2000 to help attract and retain 2,000 of the best and brightest researchers from around the world.

"In the new economy, our most important resource is people," said Industry Minister David L. Emerson at a November 12 reception announcing the 194 newest Canada Research Chairs, including Zumbansen. "This is why the Canada Research Chairs Program is so vital to Canada's future. These researchers not only create world-class knowledge that is being put to use right now, across all sectors of society, but they are also helping train the next generation of researchers and knowledge workers."

The program has proved especially key to attracting expatriates and international researchers to Canada. Of the more than 1,300 current research chairs, 395 are from abroad.

To help support Zumbansen's research, York University will receive \$100,000 a year over five years from the federal government. This, plus additional funding from York, and research infrastructure funding from the Canada Foundation for Innovation and the Ontario Innovation Trust, will result in more than \$920,000 between now and 2009.

And that's just the beginning. Zumbansen is but Osgoode's first Canada Research Chair and one of 30 campus-wide at York University.



In the wake of recent corporate governance failures in Canada, and high-profile corporate scandals in the U.S., investors and other stakeholders have suffered a loss of confidence and trust in corporate decision-making. As a result, there has been a renewed focus on the efficacy of remedial options available when corporate managers and directors engage in wrongdoing.

The oppression remedy is arguably the most important innovation in Canadian corporate law

not afforded their applications excessive favour. In addition, the close to 50-50 split suggests the cases that actually proceed to trial are the ones where both the plaintiff and the defendant have relatively equal chances of success; most others settle.

Ninety-two per cent of our sample dealt with private, closely held corporations while only eight per cent dealt with public, widely-held companies. This result is consistent with the intention of the drafters that the oppression remedy be used

> primarily for the former. Of the six cases involving public, widely-held corporations, only 33 per cent were successful, as compared to a success rate of 54 per cent for closely held corporations. This result suggests

that other corporate law remedies may be more fruitful avenues than the oppression remedy to address corporate wrongdoing in large, public corporations (for example, the derivative suit, securities law remedies, as well as public enforcement by regulators).

Our results also confirm that while the oppression application is not just a shareholder remedy, shareholders by far constituted the largest class of complainants. In fact, 80 per cent of all complainants were shareholders. Other complainants recognized by the courts as having discretionary standing included: lessors, licensors, a trustee in bankruptcy and a widow of a former shareholder. Freestanding employees were unsuccessful in accessing the oppression remedy, while creditors accounted for eight per cent of all complainants with a surprisingly high success rate of 83 per cent.

These results have interesting implications vis a vis the theoretical models that guide our thinking about the role of corporations in society. While the "shareholder primacy" model posits that the sole purpose of the corporation is to maximize shareholder wealth, the increasing access of creditors to the courts suggests an appreciation of the "stakeholder model." Under this model, the corporation is seen more as a social institution that should take into account the interests of non-shareholder stakeholders.

Recently, in Peoples Departments Stores Inc. v. Wise, the Supreme Court of Canada held that there is no need to read the interests of creditors into the statutory fiduciary duty in light of the availability of, inter alia, the oppression remedy. With this pronouncement, combined with the extremely high success rate for creditors, it is assured that the courts will witness an increase in creditor complainants attempting to access the oppression remedy in the future. \*

# A Remedy for "Oppressed" Investors and other Corporate Stakeholders

by Osgoode Professor Poonam Puri



Professor Puri is co-author/co-editor of three books including "Corporate Governance and Securities Regulation in the 21st Century." The complete article arising from this study appears in the Queen's Law Journal 30:1 (2004).

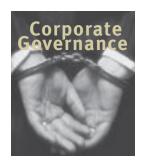
in the twentieth century. It is considered to be the most broadly worded, most flexible remedy available to shareholders and other "complainants" who have been "oppressed or unfairly prejudiced" by corporate directors or managers.

The 1971 Dickerson Report laid the foundation for the enactment of the Canada Business Corporations Act (CBCA) in 1975. Following the Report's recommendations, the oppression remedy was included in the CBCA and subsequently in provincial corporate law statutes. The roots of the Canadian oppression remedy can be traced back to the 1948 U.K. Companies Act, upon which the CBCA provision was modelled. The statutory oppression remedy was designed to address the harshness of the common law and the difficulties that minority shareholders faced in obtaining relief. In addition to its flexibility, at a practical level, the oppression remedy is procedurally attractive to aggrieved parties because oppression litigation proceeds by way of application. As a result, an oppression claim is faster than an ordinary civil action and avoids the more tedious and costly aspects of the latter (such as discovery).

The unprecedented breadth of the oppression remedy, coupled with its corresponding potential to change the face of modern corporate law, led Osgoode Professor Stephanie Ben-Ishai and I to review all oppression remedy cases considered by the Canadian courts over the seven-year time period of 1995-2001. To our knowledge, no other study of this nature had been undertaken, and venturing into uncharted terrain certainly increased our excitement.

During the sample period, 71 oppression remedy applications were decided on their merits. Of these cases, approximately 54 per cent were successful. This figure suggests that the judiciary has not been overly solicitous of applicants and has

Photography by Babak



#### An Interview with Warren Grover, Q.C.

Warren Grover, Q.C., is Falconbridge Professor of Commercial Law at Osgoode and a partner emeritus of Blake, Cassels & Graydon LLP. He delivered the Falconbridge Lecture in Commercial Law at Osgoode's Professional Development Centre on October 7, 2004 on the topic of "The Corporate Governance of Greed."

Writer **Bev Cline** interviewed him about the lecture.

In your Falconbridge lecture, "Corporate Governance of Greed," you make the bold statement that "greed is just as endemic to the Canadian corporate culture as it is to the United States corporate culture." What is the key point that you wanted to make in this speech?

Both Canada and the United States follow similar rules that have tilted compensation of executives from cash toward stock based arrangements that have resulted in pressure to increase reported profits. This can be done easily within accepted accounting rules for the short term. Eventually there may be a requirement to restate the financials, as we are likely to see with Nortel. In the meantime, the senior management has acquired excessive remuneration, and who wants their own remuneration to decrease?

# You hone in on the high level of compensation of Boards of Directors and management as a prime reason for the "greed" factor. Why is this so in your opinion?

One way to keep up excessive compensation for management is to increase excessive compensation for directors. If the "independent" part-time directors, so important to the new corporate governance concepts, are paid a lot more than previous directors, management can expect to be paid more too. Note how many retired CEOs are among the "independent directors." They are familiar with excessive management remuneration and see that as normal.

## Canadian tax treatment and auditing practices, are, in your opinion, also fostering this climate of corporate governance of greed. Why?

Canada's tax treatment favours stock-based compensation, such as the deduction of one-half of option benefits. The accounting



rules made no charge to income as a result of option grants. This has recently changed in Canada but not in the United States. Other stock-based concepts with tax benefits are now flourishing, such as deferred share units. And accounting rules allow management to charge expenses, such as use by the CEO's family of the corporate jet that are written off for tax purposes. This was recently censored by the SEC in a proceeding against GE and Jack Welch to the tune of U.S. \$2.5 million.

# In your speech you cite the Hollinger corporation as a Canadian example of what can go wrong with corporate governance. Please explain how this company fits into your thesis.

Hollinger International owns a lot of newspapers. Lord Black, through a pyramid corporate structure and differential voting shares, had absolute voting control although he owned less than 20 per cent of the equity. As a result, he was the supreme CEO, all the non-management directors were his friends and did his bidding. According to a recent Special Committee Report, the majority of the profits of Hollinger for a period of almost a decade were siphoned off to Lord Black and other senior managers. Clearly neither the directors, the auditors or legal counsel raised any alarm.

#### What remedies do you feel can rein in this "greed" problem?

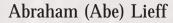
I would suggest where voting control is separated from total equity, the audit committee should be nominated and elected by the majority vote of the minority shareholders. Secondly, I think that the compensation committee should consider whether the overall remuneration and "perks" of the CEO are appropriate. Infectious greed has led to looting in many cases. Thirdly, I think the compensation and audit committee directors should not include retired CEOs and should be at least 30 per cent women to bring a breath of fresh air into what is now the existing clique.

During our telephone interview you indicated that a recent decision (October 2004) from the Supreme Court of Canada has put quite a different twist on the role of Boards of Directors and their obligations to shareholders. Does this decision further in any way your theories regarding corporate governance of greed? The recent Supreme Court of Canada

The recent Supreme Court of Canada decision in Peoples Department Stores v. Wise has clearly stated that directors do not owe a fiduciary duty to shareholders, creditors or any other stakeholders. This is a shift from what many academics had espoused and reduces the potential for liability of directors. \*

# The Way II







Edra (Sanders) Ferguson



John Arnup

Looking back at what it was like to be a student at Osgoode Hall in the 1920s and 30s

STORY BY CHRISTINE WARD

PHOTOGRAPHY COURTESY OF THE LAW SOCIETY OF UPPER CANADA

# hings Were

hen Abraham (Abe) Lieff, Edra (Sanders) Ferguson and John Arnup went to Osgoode Hall Law School more then 70 years ago students signed an article of indenture; classes were two hours a day; a three-course meal could be had for a quarter; and women in law were as scarce as the automatic automobile.

They were part of an era of law education that, despite its seemingly profound differences from the Osgoode experience of today, was still grounded in the same principles of theory and practice.

"There was no question that I was training for an honourable, prestigious profession," says Lieff (LLB '26), the first Jewish appointee to the Superior Court of Ontario and much celebrated father of modern family law, who began his career in 1921 at the age of 18.

Lieff signed an article of indenture with a practising lawyer that obligated him to study law for the next five years, the first two of which were spent working full-time (a requirement of high school matriculates that was waived for university graduates). He worked for free in his first year and then took home \$10 a month. It was not enough to cover the \$161.50 in tuition required for his first year of classroom studies beginning in 1923.

"No one had cars or money they could spare for nonsense," he remembers.

But there was plenty of time to debate law in the back rooms of downtown Toronto's Osgoode Hall at Queen Street and University Avenue in what was then home to Osgoode Hall Law School, the Superior Courts of Justice, the Law Society of Upper Canada and the Government of Ontario.

"We attended classes for two hours in the morning, three hours on Wednesday," says Arnup (LLB '35), of his first year at Osgoode in 1932. "Then we spent the balance of each day working in a law office."

Classes were taught mostly by part-time lecturers who maintained one foot in private practice and a strict demeanor while in the classroom. They included John Robinette, Richard Spence, Kenneth Morden, Henry Borden, Harold Foster and A.R. Clute.

"It wasn't stuffy," points out Lieff, but "classes were formal.

We always wore a jacket and tie. You simply accepted what you were told. Discussion was rare except in the dean's chambers after class." Lieff laughs to remember his classmate's efforts to stump commercial law scholar John D. Falconbridge, an Osgoode grad of 1899 and Dean of the Law School from 1923 to 1948. "We would concoct a fictitious situation, but he'd always turn the tables on us. 'What do you think?' he'd ask."

Ferguson (LLB '30), was one of just five women who started at Osgoode in 1927. Even though gender was a non-issue among the school's professors and male students, it was a massive weight to bear in the marketplace.

"It was difficult for women to have an occupation in the 1920s and '30s," she says. "I could get a position as a secretary without pay, but I couldn't land an articling position with a law office in Toronto."

For help, Ferguson leaned on her father, a practising lawyer. He arranged a position in the office of the Public Guardian of the Province of Ontario.

"Mr. (McGregor) Young agreed to take me on," recalls Ferguson, "but I didn't have a salary and it was my job to keep his books and keep him happy. He couldn't even remember my name."

Still, Ferguson says she learned the ins and outs of the court proceedings for every type of civil case imaginable. The experience prepared her for a long and rewarding career in her father's firm and, eventually, as the first female alderman in her hometown of St. Thomas, Ontario. She also served as a Judge from 1962 to 1974 on the Small Claims Court and the Juvenile and Family Court of Ontario.

Arnup agrees the combination of theory and practice was key to many an Osgoode graduate's success, including his own. "The quality of legal education ultimately depended upon the firm with which you were articled. Some took on students to do chores. Others took seriously the job of teaching good lawyers." A rewarding articling experience with Toronto's Mason Folds paved the way for Arnup's distinguished career as a litigator and 15-year member of the Ontario Court of Appeal.

"It was a different time," acknowledges Lieff, who celebrated his 100th birthday in 2003. "But that's just the way things were." \*



#### COVER STORY

#### **NEW YORK COMES TO OSGOODE**



New York University School of Law Dean Richard Revesz (left) signs a Memorandum of Understanding with Osgoode Dean Patrick Monahan to establish a joint JD-LLB Program.



Front row seated, left to right: York University President Lorna Marsden, NYU School of Law Dean Richard Revesz, Osgoode Dean Patrick Monahan. Standing, left to right, The Honourable Paul Cellucci, U.S. Ambassador to Canada, the Honourable Pamela Wallin, Canada's Consul General in New York, Lawson Hunter, Q.C., Executive Vice-President at BCE Inc.



NYU School of Law Dean Richard Revesz and Osgoode Dean Patrick Monahan exchange school caps and sweatshirts.



First-year Osgoode student Bridget Hauserman, pictured here with an "I Love New York" T-shirt given to her by Osgoode Dean Patrick Monahan, won a draw for round-trip airfare for two from Toronto to New York City, courtesy of Blake, Cassels & Graydon LLP, which also sponsored a reception following the JD-LLB Program announcement.

### The Joint JD-LLB Program:

# Law Witho

"Important for the Canada-US relationship" ... "visionary" ... "a great day for both of our institutions" – those are just a few of the glowing words that accompanied the announcement on January 25, 2005 of the launch of a new Joint Degree Program between Osgoode and New York University School of Law.

At an historic ceremony in Osgoode's Moot Court Room, Osgoode Dean Patrick Monahan and NYU School of Law Dean Richard Revesz signed a Memorandum of Understanding to launch a joint JD-LLB Program. Under the program that will begin in the fall of 2006, students will spend two years at Osgoode and two years at NYU and receive an Osgoode LLB (Bachelor of Laws) degree and an NYU JD (Juris Doctor) degree. This will allow program graduates to practise law in both jurisdictions.

The Honourable Paul Cellucci, U.S. Ambassador to Canada; the Honourable Pamela Wallin, Canada's Consul General in New York; Lawson Hunter, Q.C., an Executive Vice-President at BCE Inc.; York University President Lorna Marsden; representatives of leading Wall Street and Toronto law firms; as well as Osgoode students, faculty and staff were on hand to witness the signing and attest to the significance of the initiative.

"This is an extraordinary day. It really, really and truly is," Wallin exclaimed. "I want to salute both President Lorna Marsden and Patrick Monahan and the colleagues they have recognized because this is visionary, and it's leadership and it's about the future. It's the kind of relationship that is the glue between these two countries."

Ambassador Cellucci was equally enthusiastic in his praise for the collaboration. "There are 26,000 Canadian students studying in the United States and 4,000 Americans studying in Canada. It is clear that we need to encourage more Americans to study in Canada given the quality of the institutions of higher learning here. I believe that this program will help do that and it

will add tremendously to our mutual understanding. There is no substitute for direct experience that comes through educational exchange."

Cellucci went on to talk about fundamental values that Canadians and Americans share in common, and how "the Memorandum of Understanding signed today makes a real contribution to the values that we hold most dear and reminds us how closely we share those same values."

In his introduction of NYU Dean Richard Revesz, Monahan said the agreement with NYU was made possible by Revesz's "willingness and ability to think creatively about the potential synergies that can be produced by two of North America's great legal institutions joining forces, for the mutual benefit of students here and in New York."

Monahan also paid tribute to Osgoode Professor (and former Associate Dean, Research and Graduate Studies) Craig Scott for conceiving of the program and initiating preliminary discussions and to current Associate Dean Allan Hutchinson for picking up where Scott had left off.

Calling it "a great day for both of our institutions," Revesz pointed out that his school, which was ranked among the top five US law schools by US News and World Report, made the decision to become a global law school back in 1994. Today, 40 per cent of NYU School of Law graduates are citizens of 60 different countries.

The JD-LLB Program agreement with Osgoode "fits in very nicely with our global orientation," said Revesz, noting that his school has 12 to 14 "global professors" hailing from around the world. "We're delighted to have Canadian students. We're delighted for our students to come to Canada. We think everyone should be better educated, more effective as a result of that."

Revesz concluded his remarks by saying how very exciting it is to be "part of this wonderful movement, which is the globalization of the rule of law." \*

# ut Borders

STORY BY VIRGINIA CORNER PHOTOGRAPHY BY CLIFF SPICER

#### **MOOT COURT QUICK FACTS**

#### **Renovation Time:**

Demolition phase: 2 weeks. Renovation phase: 12 weeks

#### **Architect:**

Taylor Smyth Architects (Principal Robert Smyth)

#### **Construction Manager:**

John Vavra, York University Facilities Services

#### **Square Footage:**

5152 square feet. A folding partition between Classrooms 101B and 102 on the lower level can be closed to acoustically isolate the two spaces and allow two classes to be held simultaneously. Classroom 201 is located on the balcony level.

#### **Audience Seating Capacity:** 390

#### **Instruction Technology:**

Classroom 101B has a roll-down projection screen and ceiling mounted digital projector. The camera is designed to stream events or classes on the Web, either live or for viewing later. A dome camera was also installed for recording purposes. The new stage area projection wall allows for images as large as 17 feet wide by 11 feet high.

## Dogged Debate O Osgoode's Renova

## Osgoode celebrates the \$1.3 million renovation of its court room with a pointed moot over the pit bull ban...

To the sounds of laughter and pop music piped in through a new high-tech sound system, Osgoode students broke in the newly renovated Moot Court Wednesday with the first "hearing" since completion of the \$1.3 million project.

The 14-week refit, which was designed by Taylor Smyth Architects, involved a total gutting of the 5,152-square-foot hall. New features include an enlarged stage area with full-width audio-visual screen, new seating, storage areas, lighting and, to the obvious approval of the women in the audience, new women's washrooms on the lower level.

The space, which is Osgoode's main

venue for school functions, can also now be split into separate classrooms, each with instructor's presentation consoles. Seating areas are equipped with ports for students' laptop computers and the main room is equipped for digital streaming of lectures. The decor includes a stainless steel sculpture of the Osgoode crest, oak millwork and a feature specifically mandated by Osgoode Dean Patrick Monahan: red and white banners commemorating Osgoode moot champions from the past 10 years. As part of the ceremonies , alumnae Leora





### pens ted Moot Court

Shemesh (LLB '00) and Jonathan Hood (LLB '04), members of past winning teams, unfurled the banners along with current students.

The moot between faculty and student teams followed remarks and a ceremonial ribbon-cutting by Monahan, dubbed the "Pat Sajack of law deans" by Osgoode Associate Dean Allan Hutchinson, and York Vice-President, Finance & Administration, Gary Brewer. Opposing counsels squared off in a debate over recently enacted legislation

draw an analogy between woman and animals. Hutchinson also drew a warning query over an assertion about trees, which, he argued, "have standing." Hutchinson's most telling point, however, was that if the Supreme Court of Canada could extend the definition of "everyone" to "soulless, bloodless corporations" it was a "small step forward to say that pit bulls are worthy of such recognition."

With tongue firmly in cheek, Hanycz slammed the law banning pit bulls as "ill-founded, misguided, knee-jerk legislation"

infamous terriers as "ticking time bombs." When "Justice" Hogg noted the legislation was perhaps flawed because it did not include the cited dangerous household appliances, Buhler referred to a well-known case from Oz (Dorothy v Witch), saying, "we don't let people keep lions and tigers and bears, oh my."

"Counsel" Labenski challenged the idea that animals are persons by pointing out that extending human rights to cows would put fast food hamburger corporations out of business. He also noted that a ban on all



banning pit bulls in Ontario. The contest pitted Hutchinson and Assistant Dean (First Year) Colleen Hanycz against third-year students Rachel Buhler and Mark Labenski.

Hutchinson launched his assault on what he called "egregious legislation" by pointing out he was speaking not on behalf of pit bull owners but on behalf of the dogs themselves, who, he argued, are persons entitled to constitutional rights. "Justice" Peter Hogg, former Osgoode Dean and now scholar in residence at Blake Cassels & Graydon LLP, questioned Hutchinson's strategy and his attempt to

that targets the wrong harm. In making her case, Hanycz pointed out that more injuries are caused by golden retrievers and collies than pit bulls, which ranked 14th on a list of dangerous items compiled by insurance researchers. Hanycz also noted that injuries caused by pit bulls occurred less often than those caused by curling irons, electric can openers and espresso machines, which, she said, are "clearly a menance."

"Learned counsel" Buhler opened her submission by describing the injuries pit bulls have caused to "postmen, women and children alike" and characterized the dangerous animals was impractical since "it would mean a ban on humans as well."

"Justice" Janine Benedet, Chair of the Mooting Program and Hogg's partner on the bench, thanked the teams for their "illuminating and provocative submissions" and promptly deferred the court's decision to the audience, which cast votes using some of the new instructional technology installed during the renovation. To no one's surprise, the student team was voted the winner by a two-thirds majority and Hutchinson was voted best oralist. The fun ended with a cake reception in Osgoode's main foyer. \*

STORY BY DAVID FULLER REPRINTED FROM YORK'S Y-FILE PHOTOGRAPHY BY FRANK TANCREDI

#### INTERNATIONAL HUMAN RIGHTS SY



Photos from the "Raoul Wallenberg: Symbol of Justice and Humanity" exhibition presented by the Raoul Wallenberg International Movement for Humanity, along with the Hungarian Raoul Wallenberg Foundation

The Osgoode Hall Law School Raoul Wallenberg Day International Human Rights Symposium, held at the Law School over a two-day period in January, was undoubtedly the most significant international human rights conference Osgoode has hosted in its 116-year history and an important event for Canada.

More than 30 of the world's foremost international human rights law experts from government, academia, and the law captivated an audience of about 400 people with thoughtful analyses of the world's most pressing human

rights issues and suggestions for dealing with those problems. Eminent speakers such as Justice Albie Sachs of the Constitutional Court of South Africa (Truth and Reconciliation Commission) and Irwin Cotler, Minister of Justice and Attorney General of Canada, made eloquent and inspirational remarks that elicited sustained applause.

Cotler was the first speaker at the Symposium, which touched on such themes as ensuring national security while enshrining individual rights, the role of the International Criminal Court (ICC) and key court decisions about human rights. Cotler called Wallenberg, whose courageous actions in World War II against genocide rescued more than 100,000 Hungarian Jews, "the greatest humanitarian of the 20th century" and a "lost hero of humanity" whose legacy furthered the advancement of human rights.

Referring to human rights as the "new secular religion of our time," Cotler spoke with enthusiasm about the "explosion" in human rights law, saying that more has happened in the revolution of human rights

and criminal law in the past 50 years than ever before in history. From this standpoint, two key questions come to mind, he said. "What have we learned and what must we do?" to further the cause of international human rights.

After September 11, 2001, governments around the world enacted legislation to respond to terrorism. "The challenge for democratic states is how to respond without sacrificing respect for the rule of law and individual liberty," explained Osgoode Dean Patrick Monahan, who focused on recent "executive"

#### M P O S I U M





The Honourable Claire L'Heureux-Dubé



The Honourable Richard Goldstone



Osgoode Professor Sharon Williams

# In the footsteps of Raoul Wallenberg

#### STORY BY BEV CLINE WITH EXCERPTS FROM YORK'S Y-FILE PHOTOGRAPHY BY ANDREW TOMKINS

detention" court cases in the UK, US and Canada.

The Honourable Claire L'Heureux-Dubé, juge en résidence at Laval University Law School and a former Justice of the Supreme Court of Canada, stressed the theme of "Impunity no more – silence no more," exploring the reluctance of the US to participate in the ICC. She called US apprehensions regarding sovereignty and jurisdiction exaggerated, noting that the US argues the best solution is to help countries rebuild their shattered judicial systems.

Richard Goldstone, former

chief prosecutor of the UN International War Crimes Tribunal for the former Yugoslavia and Rwanda, spoke about the ICC's recognition of "crimes against humanity," its advances in human rights, as well as his belief that the US, which has chosen not to join the ICC, will eventually do so since its people want to see the prosecution of war criminals.

It is impossible to turn back the clock to see what effect a permanent International Criminal Court would have had on the 20th century, said Osgoode Professor Sharon Williams, who served as a judge of the International Criminal Tribunal for the former Yugoslavia. Williams referred to the 1998 Rome Treaty providing for the establishment of the Court as being "a compromise" among countries with a myriad of individual concerns.

Yet she is optimistic that its creation could have a possible deterrent effect in the future on "ruthless leaders" who commit "barbarous crimes."

Calling the decision to hold the Symposium "timely" since Canada is in its third-year review of its anti-terrorism legislation - the Honourable Frank Iacobucci, former Supreme Court of Canada
Justice and Interim President of
the University of Toronto, commended Symposium co-chairs
Neil Finklestein of Toronto's
Blake Cassels & Graydon LLP,
Osgoode Dean Patrick
Monahan and the Honourable
Claire L'Heureux-Dubé for
their efforts in organizing the
event. The Symposium was also
generously supported by a large
number of private and public
organizations. \*\*

A Webcast recording of the Symposium's proceedings is available at: www.osgoode.yorku.ca/wallenberg It is no secret that Osgoode alumni excel at the practice of law. For some their work has taken them around the world or to the bench, while others have simply trail blazed a new path.





Mahesh Uttamchandani (LLB '97) is counsel for the European Bank for Reconstruction and Development in London, England. On leave from Toronto insolvency firm Thorntongroutfinnigan, Uttamchandani is applying his insolvency law knowledge to international law reform, particularly in developing countries. "It has been a huge eye opener to see how big the world of insolvency is," he says, "the UN is now setting international standards."

"The experience I will bring back to the firm includes an understanding of the state of insolvency laws around the world," he says, adding, "I have developed an incredible network of contacts throughout Europe."

This opportunity arose, says Uttamchandani, because he was practising with an insolvency boutique since his call to the Bar in 1999. "My career choices were much more about where I fit in as a person," he explains. "I was aware of the potential issues facing visible minorities on Bay Street, but at ThorntonGroutFinnigan LLP I instantly felt comfortable."

Prior to that, he clerked at the Commercial Court where, assigned to Justice Robert Blair, he was introduced to the world of insolvency. "Justice Blair," he says, "was a tremendous mentor with an old school approach to practising law: that you really learn by watching people, shadowing, listening and learning."

Uttamchandani has no regrets. He would choose a legal career and the "tremendous intellectual experience" of Osgoode all over again "Professor (Peter) Hogg once said to me that everything good happened to him out of serendipity and I feel the same – very lucky."







John Richard, Q.C. (LLB '59), Chief Justice of the Federal Court of Appeal, says he never had much doubt about what he wanted to do, given his aptitudes for literature, history and philosophy. "I also thought being a lawyer offered a lot of career opportunities and choices," he says, "and since I had no aptitude for math or science a lot of professions were eliminated."

Now presiding over the court, he graduated from Osgoode in 1959 and was called to the Bar that same year. He received a fellowship to study international relations at Belgium's Louvain University, later returning to litigation practice with Gowling and Henderson, Ottawa. He subsequently joined the Ottawa office of Lang Michener, and was in the first group of lawyers to be certified as litigation specialists in the late 80s. He left practice when he was appointed to the Federal Court Trial Division in 1994.

"I loved advocacy, the different challenges of dealing with facts and law, serving the best interests of the client, and enjoying the mental exercise of dealing with opposing parties, arguments, and acting on my feet," he says. "I had no doubt that I wanted to enter private practice," he adds, admitting that he had always contemplated being a judge though he was "in no rush to get there."

But get there he has. And while he would have taken a national program - joint studies in common and civil law – had it been available, he has no regrets. In fact, Richard says he would do it all over again without any hesitation.

Janet Stewart, Q.C. (LLB '67), managing partner at Lerners LLP in London, recalls that she was one of fewer than 20 women called to the Bar in Ontario in 1969. "I wasn't asked back to my articling firm," she says, "but then most women weren't." Opportunity presented her with an opening at what is now Lerners, and Stewart has grown with the firm.

Stewart says her "career path chose her," as women lawyers at that time did not have a lot of options. "Working for government was an option, and estates work was also considered where women might go," she explains. "There were some women in litigation, but it wasn't usual or very accessible." Ultimately, "having found a job," she says, "you didn't jump around, you stayed put and worked hard."

Her solicitor practice over the years has included commercial work, business law, estate planning and administration. While Stewart has always loved client contact, she says the management side of her career has also been very rewarding, including keeping lawyers "in tact." Stewart also pays particular attention to the development of women in the profession including those with children. Stewart says she doesn't think much about any lows, since "that would be useless, they have already occurred." And she says the mentoring she received at Osgoode set her up to be a good mentor herself. "When you have a good experience in school, it makes you want to go and have a good legal career," she concludes.

Andre Thorsen (LLB '03), a former senior intelligence analyst and coordinator at NATO SFOR (an acronym for Stabilization Force) Headquarters in Sarajevo, has gone from working on issues pertaining to international and transnational crime, terrorism and extremism, to articling with Steinberg Morton Frymer in North York.

Thorsen, with a self-described "colourful past" working in international investigations, intelligence analysis, security and protection came to the law later in life. Fresh out of law school, he left for NATO, having only returned for his articles, though the call of international work remains.

"The more work I did in the international arena, the more work I wanted to do." He adds: "I always wanted to work in an arena where I could involve myself in the events that affect not only Canada, but the international community as a whole."

Thorsen's greatest rewards have also been his greatest challenges. "I flatter myself by thinking that I have actually made differences in the lives of people, and in policies," he says. "Conversely, sometimes my best efforts have been completely worthless, and the bad guys have won. The important thing is fighting the fight," he concludes.

Thorsen's only regret is not going to law school earlier, though he is very pleased that the firm solicits mature students, believing their experience is of value. He is also grateful to staff at Osgoode for their "continuous efforts to assist" him in finding articles. And while he is uncertain about what his future holds, he guarantees that it will be interesting.



# 2005 Alumni Gold Key Awards

The Board of Directors of the Osgoode Hall Law School Alumni Association created an award in 2002 known as the Osgoode Hall Law School Alumni Gold Key Award presented annually to honour outstanding alumni. Up to 10 awards will be given annually (2-3 in each category) at the Dean's Annual Alumni Reception on May 17, 2005.

We seek your help in identifying alumni who qualify for the awards. This is your opportunity to nominate an Osgoode alumna or alumnus for a prestigious Gold Key Award.

#### **CATEGORIES**

#### 1. Achievement

This award recognizes exceptional professional achievement. The Awards Committee shall consider the following criteria in making the selection:

- a record of professional accomplishment;
- proven leadership and commitment in a chosen field of endeavour;
- recognizable contribution to the Law School and/or the community at large.

#### 2. Recent Graduate

This award recognizes exceptional professional achievement of recent graduates. The Awards Committee shall consider the following criteria in making the selection:

- graduated in the last ten years (preference will be given to more recent alumni);
- high levels of achievement early in one's chosen career or profession;
- demonstrated leadership capability;
- recognizable contribution to the Law School and/or the community at large.

#### 3. Public Sector Law

This award recognizes the achievements of public sector or government lawyers. The Awards Committee shall consider the following criteria in making the selection:

- sustained outstanding service or a specific extraordinary accomplishment;
- significant contributions to social justice or public service;
- recognizable contribution to the Law School and/or the community at large.

This award acknowledges significant contributions of time and energy to Osgoode Hall Law School and/or the Alumni Association. The Awards Committee shall consider the following criteria in making the selection:

- demonstrate leadership, commitment and support for the Law School;
- support the Law School's alumni efforts;
- advancement of the Law School's objectives or goals.

#### **APPLICATION PROCESS**

Nomination submissions must include:

- a letter from the nominator outlining how the nominee meets the criteria of the award;
- CV or biography;
- up to a maximum of four letters of support;
- up to a maximum of four pages of additional material.

#### New Alumni Association Board is Committed to the Cause



The Osgoode Hall Law School
Alumni Association connects
alumni to each other and to the Law
School. It has evolved over the years to

be an extremely important organization that is a critical part of the Osgoode community. Outstanding leadership is a key reason that the Association has become so successful. An exceptional leader is wise, passionate, articulate, and above all, committed to the cause. Atul Tiwari possesses each of these qualities and has a sincere charm that makes him instantly likeable.

Osgoode is indeed fortunate that Atul has accepted the position at such a challenging time in his career. In addition to his duties as Managing Director with BMO Private Client Group, Toronto, he has just been appointed the President and CEO of BMO's Harris Insight Funds in Chicago.

"They're terrific opportunities," says the 40-year old of his Osgoode and Harris assignments, noting how important it is for him "to be able to promote the School with the people I come into contact with."

The position of President is a natural step for the Alberta native who began his studies at Osgoode at the age of 19. "It was the interaction between students and faculty that made the School experience meaningful for me. I got quite involved in the running of the School, particularly in my third year as President of Legal & Lit."

His desire to play a role in influencing the direction of the Law School continued after graduation. He has been a Director of the Alumni Association Board since 1992 and served as Vice-President prior to his appointment as President last fall.

During his two-year term as President, Atul wants to focus on building Osgoode's image. "I think we are at a point in our history when we have a great opportunity for positive change. Let's think of Osgoode as a brand and always work on ways to enhance it." \*

Photography by Kevin Kelly



# Osler Chair in Business Law

Photography by **Andrew Tomkins** 

Osgoode and Osler, Hoskin & Harcourt LLP announced in September the creation of the Osler Chair in Business Law at Osgoode.

It is the first endowed Chair for the Law School made possible by Osler's \$1 million donation, the largest gift Osgoode has received from a law firm. Supplemented by matching income from York University and the Law School, it will create a \$2 million endowment that Osgoode will use to create an additional faculty position for a nationally recognized scholar in the field of corporate and commercial law.

"We are delighted that one of the best business law firms in the country has shown its support for Osgoode's scholarship and teaching in business law," Osgoode Dean Patrick Monahan said. "We offer the widest range of courses in business law of any law school in Canada. The Osler Chair allows us to build on our considerable faculty strength in business law education which we have consistently identified as a priority for faculty recruitment to meet the needs of students."

Establishing a Chair in Business Law at Osgoode continues Osler's long-standing commitment to supporting legal education and professional development. In 1997, the firm committed more than \$2.5 million – at the time, the largest law firm donation ever in

Canada – to create its Programs of Excellence at several Canadian law schools to provide funds for student bursaries and scholarships, seminars and conferences, research, visiting professorships and chairs.

"We see this donation as a way to recognize the contribution Osgoode graduates have made to the firm as well as an investment in the lawyers who will be joining Osler in the future," said Tim Kennish, Co-Chair of Osler, Hoskin & Harcourt. "Enhancing Osgoode's teaching and research in business law is not only good for the School and its students, but for our firm, the legal profession, and the business community in Canada." \*

#### **Investing in the Future**

By Christine Ward

Amanda Rubaszek (LLB'o4) is three months into her articling year with the Ontario Ministry of Attorney General – Crown Law Office Criminal and she's itching to work on a Supreme Court case.

"It doesn't always happen, but it is a goal that every articling student gets a chance to attend the Supreme Court," says ministry recruiter Gillian Roberts. "We have an unwritten rule that if a student helps with a case, they will follow it to court."

That's good news for Rubaszek and the two other Osgoode grads currently articling with the ministry's Crown Law Office Criminal. Indeed, hands-on experience is exactly what most Osgoode students are hoping to gain from their articling year, and what most firms, — public and private, big and small — are looking to provide.

Mark Lieberman, an associate with Kronis Rotsztain Margles Cappel, a small, full-service law firm in North York, says articling students at his firm can expect to be thrown right into the mix, with a lot of responsibility, a lot of court appearances and a lot of client contact. Right now, four of the firm's five articling students are Osgoode grads and each is following one or more cases from start to finish.

"Because it's a smaller firm, our students are able to interact closely with a num-

ber of different lawyers with different experiences," he explains. "This and solid hands-on experience enables them to make a smooth transition into practice at the end of their articling year."

At Osler, Hoskin & Harcourt's Bay Street Toronto office, mentoring students is big business. Jessica Leinwand (LLB'o4) thought for some time that she would prefer to article with a smaller firm, but, ultimately, she chose Osler for its reputation and exceptional training program that includes customized rotations, tag-a-long and mentorship programs, and a guaranteed hire-back for every articling student.

"A lot of the partners also articled at Oslers, so they know what you're going through and are there to help when you need it," she says.

After spending a summer with the firm and signing on to article in 2005-06, David Vernon agrees. "Oslers is bang-on when it comes to creating a recruitment process that allows you to just be a student without the competitive shark-tank mentality. The bottom line is they really care about your development as a lawyer."

There's good reason for any firm to invest in a structured recruitment and mentorship program, says Mary Main, who sits on the articling committee at

Keyser Mason Ball LLP, where half of the firm's 22 lawyers are Osgoode grads.

"It's part and parcel of our commitment to the practice of law. Participating in the education of the next generation of lawyers benefits the entire profession through shared knowledge and experiences."

What's more, observes Jolie Lin (LLB '86), Osler's acting director of recruitment, "Osgoode graduates tend to be among the best in the country. As our articling students, they are the future blood of our firm."

"In order to ensure our future is as bright as it can be, we must contribute to their growth and development." \*

For further information contact Chantal Morton, Director of Career Services, at 416-736-5482 or cmorton@osgoode.yorku.ca.

Visit the Website at www.osgoode.yorku.ca/careers

#### Fund Raising Event for The Barbra Schlifer Commemorative Clinic

The Barbra Schlifer Commemorative Clinic, which provides free counselling, legal and interpretation services for women who are the victims of violence, will be holding a fund raising event called the **Tribute on Thursday, February 25, 2005** at the **Boiler House** in Toronto's Distillery District.

The event marks the 20th anniversary of the opening of the clinic, and the 25th anniversary of the death of Barbra

Schlifer (LLB '78), who was killed on April 11, 1980, after returning home from celebrating her call to the Bar of Ontario that day. Doors open at 6 p.m. and the Silent Auction closes at 9:30 p.m.

The ticket price is \$40 and includes hors d'oeuvres and complimentary cocktails, prizes and more.

For further information and to purchase tickets, please call 416-323-9149, ext. 237.





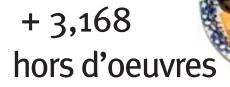
+ 7,788

+ 64 pounds of

+ 649 alumni



+ 210 bottles of



+ 1 Class of '69 Pig



# 2004 Class Reunions

Reunion Class Gifts 2004				
1954	\$13,175.00			
1964	\$15,640.00			
1969	\$64,500.00			
1974	\$26,300.00			

#### 2005 Class Reunions

If your year of graduation ends in '05 or '00 you should be celebrating a class reunion in 2005! Reunions, however, do not happen without the hard work and dedication of volunteers. If you are interested in helping to organize your reunion, please contact the Advancement Office at 416-736-5638 or alumni@osgoode.yorku.ca

# Bogoroch & Associates Demonstrates Commitment to Legal Education



"You make a living by what you get but you make a life by what you give."

At a reception on November 4, 2004 to celebrate the establishment of the Bogoroch & Associates Renewable Entrance Scholarship, lawyer Richard Bogoroch paraphrased the words of Winston Churchill to explain the inspiration behind his firm's gift of \$50,000 to Osgoode Hall Law School.

"Personally, and as a firm, we believe in giving back to the community," said Bogoroch, whose firm specializes in civil litigation with a focus on personal injury claims. "It's an honour for us to be able to give and we hope that our gift – modest though it is – will act as a spur to other law firms to make similar donations."

Back in the 1970s when Bogoroch was a law student at McGill University in Montreal, he recalls tuition being about \$800. Today, with tuition more than 12 times that amount at many Canadian law schools including Osgoode, Bogoroch wanted to help exceptional students who might not otherwise be able to afford a legal education. His scholarship will provide an Osgoode student with \$8,325 a year for three years of study.

The first recipient of the Bogoroch & Associates Renewable Entrance Scholarship is 24-year-old Giuseppe (Joe) Agostino, who enrolled in Osgoode last September after obtaining an Honors BA degree in sociology from York. The Bogoroch award is a boon for the Vaughan, Ontario resident who was planning to pay his tuition with "a credit line plus whatever the government would give me."

Declared Agostino: "The greatest part of receiving this scholarship is that I get to experience law school to the fullest extent without having to worry about a substantial portion of the funding." \*

#### 1950'S

Cory, Peter de Carteret LLB '50, a former Supreme Court of Canada justice and dis-



jurist, was installed as the 11th Chancellor of York University on Saturday, June 12, during convocation ceremonies at the

Glendon campus. In recognition of his legal contribution and record of public service, Cory was appointed a Companion of the Order of Canada in 2002. Cory, who studied at Osgoode Hall Law School and was appointed to the Supreme Court in 1989, is highly sought after by governments and international leaders for his legal and public policy expertise. In 2002, he was appointed commissioner by the governments of the United Kingdom and the Republic of Ireland to investigate six controversial murder cases involving alleged collusion by security forces in Northern Ireland and the Irish Republican Army. Following intense interest from parties involved in the peace process, Cory reported his findings in October 2003 to the governments of Ireland and the United Kingdom, urging judicial inquiries into several of the cases.

Griesdorf, Norman LLB '59 - Class of 1959 - York Volunteers held their 45th year reunion on October 2, 2004 at the University Club.

#### 1970'S

Kay, Robert Calman LLB '71 was appointed by Order-in-Council to the Ontario Municipal Board, an independent quasijudicial tribunal which hears the appeals from the decisions of municipal councils, committees of adjustment, land division committees, Municipal Affairs and Housing, or an expropriating authority, dealing with official plans, zoning bylaws, plans of subdivision, and consent to convey land.

Mathur, Lakshmi N. LLM '71 is currently staying in Lucknow. All his classmates are welcome to get in touch with him at sanjivn\_2000@yahoo.co.uk.

LaForme, Harry S. LLB '77 has been appointed to the Ontario Court of



member of the Mississaugas of New Credit First Nation, which surrendered 630 square kilometres of what is now Toronto in 1787 and is negotiating a land claim with the federal government. LaForme went to law school hoping to stem the injustice he saw surrounding First Nations people.

Tory, John LLB '78 won the Ontario Progressive Conservative leadership race

> on September 18, 2004. Tory has had a varied and successful career. In addition to practising law briefly, he has served

as Commissioner of the

Canadian Football League and been CEO of a major Canadian telecommunications company.

#### 1980's

Alderson, David LLB '80 (Osgoode), LLM '87 (London) has opened a practice in Toronto providing legal representation in banking, commercial, insurance, reinsurance and shipping litigation. Alderson has been called to the Bars of Ontario ('82), admitted in England ('88) and recently practiced in Dubai. He passed the New York State Bar earlier this year.

Fleming, Scott LLB '80, after almost 20 years of practice in Vancouver, most recently as a partner of Harper Grey Easton, Fleming decided in 2001 it was time to once again return to law school. After completing two years of full-time study at the University of Notre Dame, he graduated with his JD (magna cum laude) in May, 2003, became a member of the California Bar, and now practices as Counsel in the Santa Monica, California office of Bryan Cave LLP. He continues to specialize in Aviation and Insurance litigation.

Rosen, Andrea LLB/MBA '81, Vice Chair of TD Bank Financial Group, and

President, TD Canada



Trust, has been named among Canada's Top 100 Most Powerful Women by the Women's Executive

Network.

Leon, Corinne D. LLB '83 is a senior counsel at Visa Canada Association in Toronto, in their legal department.

Marchionne, Sergio LLB '83 was named the new chief executive of Italian automaker the Fiat Group.

Patterson, Derek E. LLB '85 was admitted to the Bar of Ontario in April 1987 and the Bar of British Columbia in February 1992. He lives with his wife and four children in West Vancouver, BC.

Karas, Sergio LLB '86 has been named a Certified Specialist in Citizenship and Immigration law by the Law Society of Upper Canada. He has also been named to a second term as Vice-Chair of the International Bar Association Immigration and Nationality Committee, based in London, UK, and is currently Secretary of the Ontario Bar Association Citizenship and Immigration Section.

**Canto-Thaler, Jeffrey E.** LLB '86 is currently working with Canto Thaler Barristers and Solicitors.

Roy, B. Kelly LLB '87 studied international human rights law at the Rene Cassin International Institute of Human Rights in Strasbourg, France and is currently completing a Masters degree (Human Rights and Intellectual Property) at the Faculty of Law/Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund University, Lund, Sweden. An Odawa from the Wikwemikong Unceded Indian Reserve, Manitoulin Island, Ontario, she practised law for a number of years in Toronto, Ottawa and Manitoulin Island.

**Shaw, Martina** LLB '88 owns and operates a standard bred racing facility in Stayner, Ontario.

#### 1990's

Bennett, Roderick W. LLB '92 was a former residence porter, during the 1980s, of Wood residence (Glendon College) and Founders College residence, and former president of Y.U.S.A. For the past several years he had been living with his children in Smiths Falls.

**Ferguson, Margot** LLB '93 has been living in Halifax since 1999 practising civil litigation and insurance law.

Serumaga, Amanda LLB '94, after four years as Senior Technical Advisor in the Ministry of Justice and Constitutional Affairs in Uganda, she has now joined ActionAid International as Country Director for Uganda (July 2004). She notes that the Class of 1994 is having a reunion in November 2004 and although she cannot be there, she wishes them all the best, and remains grateful to Osgoode for having given her such a well-rounded legal education that has allowed her to purse a non-traditional legal career.

**Konov, Orlin** LLB '95 is practising law in Sofia, Bulgaria and missing the good friends and positive thinking of Osgoode Hall Law School.

Miller, Jeffrey LLB '95 launched his new courtroom-drama mystery novel, Murder

at Osgoode Hall, in
Toronto on May 13.
The book is the first
in a series featuring
Amicus, Q.C.
(Questing Cat), and

(Questing Cat), and his companion human (or

Homo allegedly sapiens, as Amicus calls him,) appeal justice Ted Mariner. Miller is the senior feature columnist for The Lawyers Weekly. The Crime Writers of Canada recently nominated his previous book, a collection of essays called Where There's Life, There's Lawsuits, as a finalist in their best non-fiction category of the Arthur Ellis Awards.

Benedetto, Frank LLB '97 is married to Sandra and living in Markham, with two children under the age of two, Nicholas and Sabrina, while practising in insurance defence litigation, and keeping an interest in provincial politics for obvious reasons.

**Shuber, Matthew** LLB '97 has been with the Blue Jays for almost a year now. The position is Director,

Business Affairs
and in that role
he advises on the
business viability
of and rationale
for business proj-

ects, contracts and commitments proposed by the various Jays' departments. Other times, he negotiates business contracts on behalf of the club. Finally, he manages the relationship with Jays' in-house legal counsel and outside legal counsel (and instructs both). The skills that he picked up in law school and in practice have been invaluable in allowing him to critically evaluate business, financial and legal aspects of proposed projects and agreements.

Mohindra, Komal LLB '97 has relocated to London, England. Komal will be continuing her corporate tax practice with PricewaterhouseCoopers LLP in their worldwide headquarters in London and can be reached at komal.mohindra@uk.pwc.com.

Uttamchandani, Mahesh LLB '97 has relocated to London, England for two years. Mahesh has been appointed insolvency counsel to the European Bank for Reconstruction and Development and Mahesh can be reached at uttamchm@ebrd.com.

#### 2000'S

**Bednarsky, Dushan** LLB '02 is an associate with Emery Jamieson LLP in Edmonton.

Name	Grad Year	Name	Grad Year	Name	Grad Year
Paul H. Mills	1920	Warner C. Alcombrack	1948	James A. Jerome	1958
Arthur C. Pennington	1924	Gordon H. Farquharson	1948	William M. Avery	1958
Frederick F. Waddell	1926	James L. Lewtas	1948	J. F. Gray	1959
Ian Munro	1928	Edwin S. Kirkland	1948	Jacob Thiessen	1959
Albert Shifrin	1929	Michael C. Keon	1949	John S. Cochrane	1959
Nathan A. Taylor	1930	George C. Campbell	1949	Cecil G. McKeown	1959
Jacob Finkelman	1930	Hugh A. Gregory	1949	Arthur Zutis	1959
Franklin D. Turville	1931	Donald S. McLauchlin	1949	Edward J. Orzel	1959
Harold R. Ryan	1933	Norman V. Sawyer	1949	Edward C. Burton	1959
Robert L. Pepall	1935	W. Bryce Jones	1949	Immanuel Goldsmith	1960
Robert A. Cranston	1936	Milton A. Cadsby	1949	George A. Cook	1960
Roy B. Trott	1936	Murray E. Jones	1949	Edward C. Wildman	1960
Frederick B. Schuch	1936	David J. Roche	1949	Harry Landra	1960
Harry Waisberg	1936	Gordon S. MacDonald	1949	Edward E. Iglar	1960
Bora Laskin	1936	John W. Burridge	1949	Frank A. Tremayne	1961
F. Joseph Cornish	1936	John L. Zeldin	1950	Terence E. Jabour	1962
Percy Easser	1936	Melville R. Walton	1950	Stanley R. Zupan	1964
Daniel A. Arbuckle	1937	Marcel D. Baillargeon	1951	Robert N. Bosada	1964
Edward P. Coy	1937	Melville J. O'Donohue	1951	Max Shafir	1965
Harry L. Romberg	1937	Roger W. Morris	1953	Alan Berk	1967
William Shub	1939	Stanley Kazman	1953	Douglas E. Stokes	1967
Hyman Soloway	1939	William Maloney	1953	Michael A. Wadsworth	1969
Bernard Shaffer	1939	Joseph W. Temple	1953	Albert Young	1969
John M. Godfrey	1939	Irwin Wenus	1953	Bruce E. Scott	1969
William D. Burke-Robertson	1940	Reginald J. Dutrizac	1953	Myres S. McDougal	1970
Frederick H. Hamer	1940	Earl B. Menzies	1954	John U. Bayly	1971
William M. Wismer	1941	James H. Lowry	1954	Frank M. D'Andrea	1971
Margaret L. Abbott	1941	Edwin G. Hyde	1954	J. Christopher Osborne	1971
Walter H. Howell	1941	Patrick S. Duffy	1954	Daniel T. Gordon	1973
Ashton W. Winter	1941	John O. Graham	1954	Thomas E. Ireson	1974
Donald F. McDonald	1942	William C. Busby	1955	Gary M. Freedman	1975
Bradford H. Bowlby	1942	Neil D. McNish	1955	Margaret A. Browne	1975
Ilvio A. Vannini	1943	Bruce M Ralph	1955	David A. Dash	1976
George J. Karry	1943	John D. Webster	1955	Dianne L. Martin	1976
G. D. Stone	1946	Douglas E. Rollo	1956	Monte C. Compton	1981
Edward Richmond	1946	Howard C. Moore	1956	John L. Edwards	1982
Grant C. Brown	1946	Oscar Rechtshaffen	1956	Jennifer G. Borins Sutton	1985
Arthur D. McLennan	1947	James H. Farrell	1956	Gary E. Corbiere	1991
George W. Collins-Williams	1947	Carl H. Lipton	1956	Beverley J. Downes-Biroo	1992
John W. F. Griffin	1947	Peter A. Giles	1956	Thomas C. Jewiss	1993
Douglas I. Bruce	1947	Ralph O. Howie	1957		



IN MEMORIAM

#### **Dianne Lee Martin** 1945-2004

Five hundred mourners celebrated the life of Osgoode Professor Dianne Martin at a memorial service at the Law School on Wednesday, January 5.

Professor Martin, who passed away on Dec. 20, 2004 at age 59 of a heart attack, was a faculty member at Osgoode since 1989 and was currently codirector of the Law School's Innocence Project and director of Parkdale Community Legal Services.

At the memorial service and in other public tributes, Professor Martin was remembered in many ways: as a loving sister and aunt; a valued friend; a teacher, mentor and role model; a very special and valued colleague; a passionate defender of social justice; and a champion of the rights of women and the wrongfully convicted.

Osgoode Dean Patrick Monahan announced at the memorial service that, on the personal recommendation of York University President Lorna Marsden, the Law School, through its Alumni Association, has established the Dianne Martin Medal for Social Justice through Law.

In addition, the Law School is honouring Professor Martin's memory through the establishment of the Dianne Martin Bursary Fund, which will provide financial assistance to a student in need who has a demonstrated commitment to social justice. To make a donation to the Fund, please go to www.give.osgoodealumni.ca

#### Dianne Martin Medal for Social Justice through Law

This medal will be awarded to a member of the Canadian legal community who has exemplified Dianne's commitment to law as an instrument for achieving social justice and fairness.

#### NOMINATION SUBMISSION

- Letter of nomination outlining how the nominee meets the criteria of the medal
- Biography of the nominee (not to exceed 2 pages)
- Maximum of four letters of support
- Maximum of four pages of additional materials

Completed nomination submissions should be sent by March 11, 2005 to:

Gillian McCullough
Associate Director
Office of Advancement
Osgoode Hall Law School Alumni
Association
York University
4700 Keele Street
Toronto, ON M3J 1P3

Tel. 416-736-5961 E-mail: gmccullough@osgoode.yorku.ca Dean Patrick Monahan, LLB '80, invites you to be his guest at the first annual

### Dean's Alumni Reception

Join fellow alumni, faculty, colleagues and friends in an annual celebration of alumni and Osgoode Hall Law School's history, traditions and accomplishments, including the presentation of the 2005 Gold Key Awards and the inaugural Dianne Martin Medal for Social Justice through Law.

#### **KEYNOTE SPEAKER:**

The Honourable Michael J. Bryant, LLB '92 Attorney General Minister Responsible for Native Affairs Minister Responsible for Democratic Renewal

Tuesday, May 17, 2005 Osgoode Hall, Convocation Hall 130 Queen St West 6-8 p.m. Free

RSVP positive responses only by May 10, 2005

Tel: 416-736-5638 Fax: 416-736-5629

E-mail: alumni@osgoode.yorku.ca

For more information, please visit www.osgoodealumni.ca





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